

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ZONTA V. WEST,

Petitioner,

v.

JIM FARRIS, et al,

Respondent.

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Case No. CIV-13-17-M

REPORT AND RECOMMENDATION

Petitioner, a prisoner appearing pro se, has filed a Motion for Leave to Proceed *In Forma Pauperis* and Supporting Affidavit [Doc. #2]. A review of Petitioner's motion and attached financial information indicates that Petitioner has sufficient funds in his institutional savings accounts to prepay the filing fee of \$5.00. Accordingly, the undersigned hereby finds that Petitioner does not qualify for authorization to proceed *in forma pauperis*.

It is therefore recommended that the motion to proceed *in forma pauperis* be denied, and that unless Petitioner pays the \$5.00 filing fee in full to the Clerk of the Court on or before **January 25, 2013**, this action be dismissed without prejudice to refiling.

Petitioner is advised of his right to object to this Report and Recommendation. See 28 U.S.C. § 636. Any objections must be filed with the Clerk of the District Court by

January 25, 2013. Fed.R.Civ.P. 72. Failure to make timely objection to this Report and Recommendation waives the right to appellate review of the factual and legal issues addressed herein. *Moore v. United States*, 950 F.2d 656 (10th Cir.1991). This Report and Recommendation terminates all matters referred to the undersigned in the above captioned case.

ENTERED January 8, 2013.



SHON T. ERWIN
UNITED STATES MAGISTRATE JUDGE